

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**FIDELITY & GUARANTY LIFE
INSURANCE COMPANY,**

Plaintiff,

v.

No. CIV 15-0385 SCY/LAM

**THOMAS STEWART and
ARISTEO TENGCO, as the de facto Personal
Representative or Executor of the Estates
of Marita Tengco and Julieta Tengco,**

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*. Plaintiff filed its Complaint in this case on May 6, 2015. [*Doc. 1*]. Although Plaintiff served Defendant Stewart on June 10, 2015 (*see Doc. 5*), the record does not reflect that Defendant Stewart has filed an answer. In addition, it does not appear that service has been effected on Defendant Tengco. Under the Local Rules of this Court, “[a] civil action may be dismissed if, for a period of ninety (90) days, no steps are taken to move the case forward.” D.N.M.LR-Civ. 41.1. In addition, Federal Rule of Civil Procedure 4(m) provides in part that “[i]f a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time.”

IT IS THEREFORE ORDERED that, **within thirty (30) days of the entry of this Order**, this case will be dismissed without prejudice as to Defendant Stewart unless Plaintiff shows good cause for failing to move the case forward as to this Defendant.

IT IS FURTHER ORDERED that, **within thirty (30) days of the entry of this Order**, this case will be dismissed without prejudice as to Defendant Tengco unless Plaintiff either effects service as to this Defendant or provides the Court with a written explanation showing good cause why service has not been made.

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE